

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

3M Innovative Properties Company and
Dyneon LLC,

Plaintiffs/Counterclaim Defendants,

v.

ORDER

Civil File No. 03-3364 (MJD/JGL)

Dupont Dow Elastomers LLC,

Defendant/Counterclaim Plaintiff.

This matter is before the Court on Defendant's letter request that the Court appoint a technical advisor to assist the Court in connection with Daubert issues in this case, specifically, the admissibility of the testimony of Plaintiff Dyneon's expert witness, Dr. Mays. All previous orders of the Court in this case, whether they be authored by Judge Magnuson, the undersigned Judge, or any of the Magistrate Judges to whom this case has been assigned, continue to be in full effect, unless they have been explicitly stricken. Based on the Court's Order of September 25, 2004 [Docket No. 159], which the Court has repeatedly refused to reconsider, the Court reaffirms that, under Daubert, Dr. Mays' testimony will be admissible at trial. There is no need for a Daubert hearing in this matter, and Defendant's request for a Court-appointed technical advisor is denied.

Based on all of the files, records, and proceedings herein, **IT IS HEREBY**

ORDERED THAT:

1. Defendant's Letter Request for a Court-appointed Technical Advisor is **DENIED**.
2. The Court will not entertain any further Daubert motions related to the admissibility of Dr. Mays' testimony.

Dated: July 28, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court